CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD SAN FRANCISCO BAY REGION

REVISED TENTATIVE CEASE AND DESIST ORDER NO. R2-2007-XXXX

REQUIRING THE SAUSALITO-MARIN CITY SANITARY DISTRICT TO CEASE AND DESIST DISCHARGING PARTIALLY-TREATED WASTEWATER TO WATERS OF THE STATE

WHEREAS the California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter "Regional Water Board"), finds that:

- 1. The Sausalito-Marin City Sanitary District (hereinafter "Discharger") owns and operates a wastewater treatment plant, located at #1 Fort Baker Road, Sausalito, Marin County. The plant treats domestic wastewater for the City of Sausalito, Marin City, Tamalpais Community Service District, and Golden Gate Recreation Area. It has a dry weather design capacity of 1.8 million gallons per day.
- 2. The wastewater discharge has been regulated by waste discharge requirements in Order No. 00-060 (NPDES Permit No. CA0038067).
- 3. Concurrent with the adoption of this Cease and Desist Order, the Regional Water Board adopted Order No. R2-2007-XXXX (hereinafter "Permit"), reissuing waste discharge requirements for the Discharger. The Permit contains prohibitions, limitations, and provisions regulating the discharge. The limitations include those listed in Table 1 below, among others.

Table 1: Permit Effluent Limits

Parameter	Final Effluent L	Monitoring Station	
	Average Monthly Effluent Limit	Maximum Daily Effluent Limit	
	Emuent Limit (μg/L)	Emuent Linnt (μg/L)	
Mercury	0.023	0.034	M-001
Selenium	3.7	9.0	M-001
Chlordane	0.00059	0.0012	M-001

- 4. The Discharger submitted an infeasibility study demonstrating that it cannot comply with the effluent limits listed in Table 1. As stated in the Permit findings, the Regional Water Board concurs with the Discharger because the effluent limits are more stringent that the maximum effluent concentrations measured in the effluent. The Permit grants compliance schedules for chlordane but not the other pollutants; therefore, the Discharger will discharge waste in violation of the Permit.
- 5. Although the Permit contains final effluent limits for chlordane, the Permit also provides a compliance schedule to meet these final effluent limits. The compliance

schedule lasts until May 18, 2010, which is the last day of *Policy for Implementation of Toxics Standards of Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy) authorizes compliance schedules for California Toxic Rule pollutants. As stated in the Permit findings, the actions this compliance schedule requires are, by themselves, unlikely to result in compliance by May 18, 2010, because this length of time is insufficient to complete all necessary actions. Therefore, when the compliance schedule for chlordane ends, the Discharger threatens to violate the effluent limitations for this pollutant.

- 6. Water Code § 13301 authorizes the Regional Water Board to issue a Cease and Desist Order when it finds that a waste discharge is taking place, or threatening to take place, in violation of Regional Water Board requirements.
- 7. Because the Discharger will violate or threatens to violate required effluent limits, this Order is necessary to ensure that the Discharger achieves compliance. This Order establishes time schedules for the Discharger to complete necessary investigative, preventive, and remedial actions to address its imminent and threatened violations. The Permit requires certain actions as conditions of its chlordane compliance schedule. This Order continues those efforts once the compliance schedule ends so the Discharger will eventually comply with its final effluent limitations.
- 8. The time schedules in this Order are parameter-specific and intended to be as short as possible. They account for the considerable uncertainty in determining effective measures (e.g., pollution prevention and treatment plant upgrades) necessary to achieve compliance. This Order allows some time to first explore source control measures before requiring further actions, such as treatment plant upgrades, which are likely to be much more costly. The time schedules are based on reasonably expected times needed to implement source identification and upstream source control, evaluate success, identify on-site treatment alternatives if necessary, test and select from among alternatives, and construct plant upgrades. The Regional Water Board may wish to revisit these assumptions as more information becomes available.
- 9. As part of the time schedules to achieve compliance, this Order requires the Discharger to comply with interim effluent limits, where feasible. These limits are intended to ensure that the Discharger maintains at least its existing performance while completing all tasks required during the time schedules. The interim limits are based on past performance of limits in previous orders, whichever are more stringent. If based on past performance, the interim limits represent the 99.87th percentile of actual measured discharge concentrations (three standard deviations from the mean). If insufficient monitoring data exist to derive a reliable performance-based limit, and if no previous order contained a limit, then this Order does not establish an interim limit.
- 10. This Order is an enforcement action and, as such, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code § 21000 et seq.) in accordance with 14 CCR § 15321.

11. The Regional Water Board notified the Discharger and interested persons of its intent to consider adoption of this Cease and Desist Order, and provided an opportunity to submit written comments and appear at a public hearing. The Regional Water Board, in a public hearing, heard and considered all comments.

IT IS HEREBY ORDERED, in accordance with Water Code § 13301, that the Discharger shall cease and desist from discharging and threatening to discharge wastes in violation of its Permit by complying with the following provisions:

- 1. Prescribed Actions. The Discharger shall comply with the required actions in Table 2 in accordance with the time schedules provided therein to comply with all effluent limits contained in the Permit. All deliverables listed in Table 2 shall be acceptable to the Executive Officer, who will review them for adequacy and compliance with the Table 2 requirements. The Discharger shall further implement all actions set forth in each deliverable, unless the Executive Officer finds the deliverable to be unacceptable.
- 2. <u>Exceptions</u>. The following exceptions apply to the parameter-specific time schedules and prescribed actions in Table 2.
 - a. *Mercury*. The mercury-related time schedules and prescribed actions shall cease to be in effect upon the effective date of a permit¹ that supersedes the mercury limits in the Permit.
 - b. *Chlordane*. The prescribed actions in Table 2, actions "b," "c," "d," and "e" shall not apply to chlordane because the Permit already requires these actions. Actions "a," "f," "g," and "h" shall apply to chlordane beginning May 18, 2010.
- 3. <u>Reporting Delays</u>. If the Discharger is delayed, interrupted, or prevented from meeting one or more of the time schedules in Table 3 due to circumstances beyond its reasonable control, the Discharger shall promptly notify the Executive Officer, provide the reasons and justification for the delay, and propose time schedules for resolving the delay.
- 4. Consequences of Non-Compliance. If the Discharger fails to comply with the provisions of this Order, the Executive Officer is authorized to take further enforcement action or to request the Attorney General to take appropriate actions against the Discharger in accordance with Water Code §§ 13331, 13350, 13385, and 13386. Such actions may include injunctive and civil remedies, if appropriate, or the issuance of an Administrative Civil Liability Complaint for Regional Water Board consideration.

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¹ In March 2007, Regional Water Board staff publicly noticed a draft permit that could supersede existing mercury requirements and implement the wasteload allocations for municipal and industrial wastewater discharges identified in the San Francisco Bay Mercury TMDL that the Regional Water Board adopted in August 2006.

5.	Effective Date. This Order shall be effective on the effective date of the Permit.	

Table 2: Time Schedule and Prescribed Actions

Action		Deadline			
		Mercury	Selenium	Chlordane	
 a. Comply with the following interim effluent limits at Monitoring Station M-001: Mercury: Average monthly effluent limit = 0.087 μg/L Selenium: Maximum daily effluent limit = 50 μg/L Chlordane: Maximum daily effluent limit = 0.1 μg/L 		Upon the effective date of this Order		Beginning May 18, 2010	
b.	Investigate sample collection, sample handling, and analytical laboratory quality assurance and quality control practices to ensure that analytical results for selenium are accurately determined and reported. Submit a report by the deadline describing the results of the investigation and any changes in quality assurance and quality control practices implemented.	Not Applicable	March 1, 2008	Not Applicable	
c.	Submit a plan for identifying all mercury, and selenium sources to the discharge. Examples of potential mercury sources include dental offices, laboratories, medical facilities, fluorescent light tubes, thermometers, and electrical switches.	June 1, 2008	June 1, 2008	Not Applicable	
d.	Implement the plan developed in action "c" within 30 days of the deadline for action "c," and submit by the deadline for this action a report that contains an inventory of the pollutant sources.	October 1, 2008	October 1, 2008		

Action	Deadline			
	Mercury		Selenium	Chlordane
e. Submit a report documenting development and initial implementation of a program to reduce and prevent the pollutants of concern in the discharge. The program shall consist, at a minimum, of the following elements:	December 1, 2008		December 1, 2008	Not Applicable
i. Maintain a list of sources of pollutants of concern.				
ii. Investigate each source to assess the need to include it in the program.				
iii. Identify and implement targeted actions to reduce or eliminate				
iv. Develop and distribute, as appropriate, educational materials regarding the need to prevent sources to the sewer system.				
f. Continue to implement the program described in action "e" and submit annual status reports that evaluate its effectiveness and summarize planned changes. Report whether the program has successfully brought the discharge into compliance with the effluent limits in the Permit. If not, identify and implement additional measures to further reduce discharges.		Annually each Best Manageme Pollutant Minin required by Permi	nt Practices and nization Report	

Action		Deadline			
		Mercury		Selenium	Chlordane
g.	If by February 28, 2011, discharge data continue to show the discharge is out of compliance (as defined in 2.4.5 of the State Implementation Policy) with the Permit effluent limits, submit a report, by the deadline for this action, identifying more aggressive actions to ensure compliance. These actions shall include, but not be limited to, reviewing options for pretreatment and upgrades to the treatment plant. The report shall identify an implementation schedule for investigating these options, selecting a preferred option, and implementing the chosen option. At a minimum, the report shall plan for the following activities:	June 1, 2011		June 1, 2011	June 1, 2011
	i. Bench scale testing or pilot scale testing or both				
	ii. Development of preliminary design specifications				
	iii. Development of final design specifications				
	iv. Procurement of funding				
	v. Acquisition of necessary permits and approvals				
	vi. Construction				
h.	h. Implement the plan required in action "g" within 45 days of the deadline for action "g," and submit annual status reports. Annually each February 1 in Annual Self-Monitoring Report require Permit Attachment E, Monitoring and Reporting Program		_		
i.	Submit documentation confirming complete plan implementation and comply with effluent limits in the Permit.	June 1, 2015		June 1, 2015	June 1, 2015

I, Bruce H. Wolfe, Executive Officer, do hereby co	ertify the foregoing is a full, true, and
correct copy of an Order adopted by the California	Regional Water Quality Control
Board, San Francisco Bay Region, on	, 2007.
$\overline{\mathtt{B}}$	RUCE H. WOLFE
E	xecutive Officer